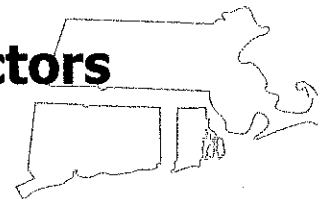




# Independent Electrical Contractors of New England, Inc.



Testimony  
Lisa Stevens  
Executive Director  
IEC-NE  
Public Safety & Security Committee  
March 6, 2012

The Independent Electrical Contractors of New England (IEC-NE) respectfully submits the following comments relative to **SB-323, AN ACT CONCERNING CRANE OPERATIONS**.

It is our understanding that the language in the proposal is intended to be consistent with the new federal OSHA regulations governing crane and derrick operations. These new requirements are designed to ensure that crane operators have the knowledge and skills they need to operate equipment safely.

However, in comparing the proposal with the new federal OSHA rule, we have identified some significant differences which will impose additional regulatory burdens on electrical contractors, as follows:

- **Effective date:** The requirements of the new OSHA rule are effective November 10, 2014. SB-323 imposes the new requirements on crane operators effective October 1, 2012.
- **Covered Equipment:** The federal OSHA rule is not applicable to derricks or sideboom cranes, however, SB-323 is applicable to derricks and sideboom cranes.
- **Operators in Training:** The federal rule provides an exception to the requirement that operators of most equipment covered by the standard must be qualified or certified by, or under the scrutiny of, a third party other than the operator's employer. An exception is provided for operators-in-training, who may operate equipment with certain limitations until they can become qualified or certified. This exception is only applicable to apprentices under SB-323.
- **Compliance with Certification/Qualification:** The federal rule allows operators to comply with the new requirements by obtaining "certification" - a process whereby an operator passes both written and practical tests administered by an accredited testing organization or "qualification" - which provides three other options to compliance. These options are: (1) qualification by an audited employer program; (2) qualification by the U.S. Military (limited to employees of the Department of Defense or members of the Armed Forces); and (3) licensing by a government entity. Unfortunately, as drafted, SB-323 only provides one option for compliance - licensure. We therefore urge revisions to the bill that would authorize other, non-licensing methods of compliance, consistent with the federal OSHA rule.

We therefore urge the committee to carefully review the language of the bill to ensure that it is fully consistent with the federal rule and revise it to address any inconsistencies, particularly with respect to the licensure requirement. Differences in state and federal law will only increase confusion and impose unnecessary compliance burdens on electrical contractors.